

RESTART Act

Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency Act



**U.S. SENATE COMMITTEE on
ENVIRONMENT & PUBLIC WORKS**
RANKING MEMBER SHELLEY MOORE CAPITO

Commonsense permitting and project review reforms to **build in America, lower prices, and protect the environment**

Modernizing the National Environmental Policy Act (NEPA)

- Implements **strict deadlines** for agencies to complete necessary project review documents, including environmental assessments and environmental impact statements
- **Allows projects to advance if an agency misses a deadline** without threat of judicial review
- Requires agencies to prepare a single environmental review document with **page limits**, and designates a process for determining when NEPA applies
- Establishes time limits to **prevent endless legal battles**, requiring courts to process NEPA challenges and issue a final judgment within 180 days
- Enacts a **stricter statute of limitations** for filing court challenges to NEPA documents, and instructs courts to **set deadlines for agency action**

Clean Water Act Certifications, Defining Navigable Waters, Nationwide Permits

- **Prevents projects from being unreasonably blocked** by states that delay or deny issuing Section 401 Certifications under the Clean Water Act
- Defines a **“water of the United States,”** and sets the bounds for when dredge and fill or discharge permits are required under the Clean Water Act
- Codifies **Nationwide Permits** issued in 2021 for development of critical energy projects
- **Prohibits retroactive vetoes** of dredge and fill permits
- Expands available approval term of state discharge permit programs from 5 to 10 years

Other Key EPW Provisions

- Shortens timelines for consultations under the Endangered Species Act (ESA), makes process **more efficient**, and allows states to take over administration of consultations
- Applies Clean Air Act policy review process to legislation, not projects or regulations
- Streamlines state primacy applications for **Class VI wells** that are used to store carbon dioxide
- **Prohibits use of the "social cost of greenhouse gases"** for regulations, guidance, or agency action if the use of the metrics increases the cost of energy or causes agency delays
- Expedites completion of the Mountain Valley Pipeline